

Appl. No. : 10/630,008
Filed : July 29, 2003

REMARKS

This is in response to the Office Action mailed February 24, 2004. After this amendment, Claims 1-23 are pending in the application.

Drawings

The Examiner objected to the drawings for the reason that reference numeral 54 was missing therefrom and because the designation 44 in Figure 1 should be 49. Applicant has submitted herewith corrected figures (including a set in red-line) which includes these corrections.

Specification

The Examiner objected to the abstract of the disclosure as including legal phraseology. Applicant has requested amendment of the Abstract to eliminate such terminology.

Information Disclosure Statement

Applicant notes that it filed an Information Disclosure Statement on February 9, 2004, before the mailing of the First Office Action. It appears, however, that the IDS was not captured and matched with the file until after the mailing of the Action. Applicant appreciates the Examiner's consideration of the IDS along with this Response.

Claim Rejections, § 112(2)

The Examiner rejected Claims 1-12 under 35 U.S.C. § 112(2) as being indefinite. In particular, the Examiner asserted that Applicant's claim language relative to the "fixed" inlet port and "second portion of the passage" was unclear.

Applicant notes that Claims 1-12 are directed to an embodiment of the invention in which the valve has a movable extension located at only the outlet. In this configuration the position of the

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inlet is fixed, and the position of the outlet is moveable. Applicant has added new Figures 5 and 6 (and supporting text regarding the existence of those figures) to the application. Figure 5 illustrates the embodiment claimed in Claims 1-12. Figure 6 illustrates an alternate embodiment where only the inlet is moveable. Applicant asserts that the inclusion of Figures 5 and 6 do not add new matter, as such variations or embodiments of the invention are already described in the application. See Summary at Paragraphs [0014]-[0015] where it is noted that the valve has an inlet and outlet, and that in the embodiments of the invention, the inlet or outlet or both may be defined by a movable extension and Paragraph [0047] where it is noted that only one port of the valve may be provided with a movable extension. Thus, with respect to Claims 1 and 4, claim language was selected to reflect that the position of the inlet port in that valve configuration, is fixed.

Applicant asserts that the clarification regarding the embodiment being claimed also makes clear the remaining language of the claims. As claimed in Claims 1-12, the valve has a passage through it between an inlet to an outlet, that passage defined by two parts: a housing and an extension at the outlet. The housing defines a first portion of the passage starting at an inlet. The extension defines a second part of the passage leading to an outlet. An end of the extension is located in the housing whereby the first and second portions of the passage are in communication, thus forming the continuous passage through the housing.

Applicant has amended Claim 10 to clarify that it is the second end of the extendable member which is located in enlarged portion of the portion of the passage defined by the housing.

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Claim Rejections §102

The Examiner rejected Claims 1-9 as anticipated by Gorman, Jr. (USPN 5,052,721). As the Examiner knows, in order for Gorman, Jr. to anticipate Claims 1-9, every element of the claimed invention must identically shown in that reference, and the elements must be arranged as in the claim under review. In re Bond, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990). Applicant asserts that Gorman does not do so.

Among other things, independent Claims 1 and 4 include the limitation of a valve having an extendable member permanently coupled to the housing, and where a second end of the extendable member is located within the housing. These claims also recite that the valve is configured to selectively open and close the passage therethrough.

Applicant asserts that Gorman does not disclose such limitations. Gorman discloses a water meter coupling (10). That coupling is configured to be attached to the outlet side of a water meter (40/50). Gorman clearly discloses that the coupling (10) is not permanently coupled to the water meter (40/50) – Gorman's figures admit such, illustrating the coupling (10) completely separate or disconnected from the water meter (40/50). Clearly the coupling (10) can not be permanently coupled to the meter (40/50) when, at least at times, it is not coupled to the meter at all, as illustrated.

Second, Applicant asserts that Gorman does not disclose an extension having an end which is located within the housing. Even if Gorman's coupling (10) is connected to a water meter (40/50), the end thereof (nut 6 or flange 24) is located outside of the meter (40/50).

In addition, Applicant notes that Gorman discloses a water meter. As the Examiner will recognize, a water meter is a device which measure the flow of water through a line. Gorman does

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not disclose a valve, i.e. an element for selectively controlling the flow of water through a line so that at some times water may flow through the valve and at other times it may not, as claimed.

Claim Rejections, § 103

The Examiner rejected Claims 10-12 as being unpatentable over Gorman, Jr. in view of Aitken et al. (USPN 5,024,469). The Examiner asserts that Gorman teaches all of the limitations of the invention as claimed except the housing including an enlarged portion in which the second end of the extendable member is located.

Again, Applicant asserts, for the reason stated above, that Gorman lacks any disclosure or suggestion of a great number of the limitations of the claims. As such, Applicant asserts that Gorman in combination with Aitken is a combination which does not teach or disclose the invention as claimed.

Applicant asserts that the prior art does not disclose or suggest a valve having an inlet and outlet and a passage between the inlet and outlet, the valve configured to control the flow through the passage, a first portion of the passage leading from the inlet defined by a housing and a second portion of the passage leading to the outlet defined by an integral extension having an end located in the housing, the position of the outlet movable relative to the housing.

New Claims 13-23

Applicant has added new Claims 13-23. In parent application Serial No. 09/519,869, claims were found allowable directed to embodiments of the invention. By an Amendment After Notice of Allowance filed, but not entered, in that application, Applicant sought to introduce additional claims. Those claims included the limitations of the allowed claims, but were worded slightly

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differently so that certain aspects of those claims were more clear. Applicant has re-presented those claims herein and asserts that they are allowable for the same reason as Claims 1-13 of prior U.S. Patent No. 6,685,162.

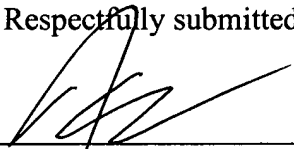
Summary

Applicant asserts that Claims 1-23 are in a condition for allowance and respectfully requests a notice as to the same. If any matters remain outstanding, the Examiner is invited to contact the undersigned by telephone.

Respectfully submitted,

Dated: June 23, 2004

By: _____


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